

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, September 26, 2006 – 9:00 a.m. – Room W135 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Mike Dmitrich
Sen. Ed Mayne
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Excused:

Sen. Mark B. Madsen
Rep. Kory M. Holdaway

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Stephenson called the meeting to order at 9:13 a.m.

MOTION: Rep. Gowans moved to approve the minutes of the August 22, 2006 meeting. The motion passed unanimously. Sen. Mayne and Rep. Moss were absent for the vote.

2. Licensing of Clinical Social Workers

Mr. Craig Jackson, Director, Division of Occupational and Professional Licensing, reported that the licensing issues presented by Ms. Melissa Thayne, during the August 22, 2006 meeting, have been resolved and she has obtained her license. Mr. Jackson said clarifications have been made to the application so it will be more user friendly to applicants. A copy of the updated application was provided in the mailing packet.

Sen. Stephenson requested that staff ask Mr. Jackson to determine a method to assess the effectiveness of the changes in the application.

3. Insurance Premiums related to Workers' Compensation for Overtime: State Oversight

Ms. Melva Sine, President, Utah Restaurant Association, said there is a concern in the industry about the premiums being charged for Workers' Compensation on overtime pay. Ms. Sine explained that most states do not contend that there is any additional risk to the insurance company.

Mr. Brad Tibbitts, Director, Life and Property Casualty Division, Insurance Department, commented the state adopted this practice in 1988. He said that it could be easily changed by going to the National Council on Compensation Insurance and indicating that the state would like to go to the national rule.

Sen. Mayne said he would like a representative from the insurance industry to discuss this issue with the Committee at a future meeting.

4. R612-2-3 and R612-2-22, Workers' Compensation Rules – Health Care Providers – Filings and Medical Records

Ms. Sine commented that minor injuries requiring only first-aid care become billable by health care providers, and in turn, contribute to the increased Workers' Compensation premiums. Ms. Sine said the industry would like to see the state adopt and follow the Occupational Safety and Health Administration guidelines regarding first aid and reportable injuries.

Ms. Joyce Sewell, Director, Industrial Accident Division, Labor Commission, explained that when there is a health care provider bill to be paid, it must be paid by an insurance carrier unless the employer is self-insured. She said this is the reason the employer and the health care providers are required to submit a report. Ms. Sewell responded to questions from the Committee.

Ms. Sine discussed the need for availability to employers of medical records for injuries and claims against that employer which are work related. She suggested the state follow the national guideline for the Health Insurance Portability and Accountability Act of 1996.

Ms. Sewell introduced Dr. Allen Colledge, Medical Director, Labor Commission, who commented on the issue from the perspective of a physician. She also reviewed previous discussions with the Committee which led to the current wording of the rules.

Following the discussion, the Committee decided to hear this issue again in an October meeting.

5. R652-122 County Cooperative Agreements with State for Fire Protection

Rep. Craig W. Buttars presented background information on the issue, and commented on some concerns with the implementation of 2004 General Session H.B. 146, "County Cooperative Agreements with State for Fire Protection."

Commissioner Lamar Clements, Planning and Zoning Commission, Cache County, distributed "Comments Regarding R652-122." He discussed some modifications and requested that they be considered by the Committee.

Mr. Ken Hansen, Director, Division of Administrative Rules, commented on the issue.

Mr. Dick Buehler, Deputy Director, Division of Forestry, Fire, and State Lands, distributed and reviewed "County Cooperative Agreements with State for Fire Protection," "Executive Summary of the Wildfire Issues and Costs in the State of Utah," and "Utah's Need for House Bill 146."

Mr. Dave Vickers, Wildland Urban Interface Code Coordinator, and Mr. Tracy Dunford, State Fire Management Officer, discussed the issue and responded to questions from the Committee.

The Committee agreed to hear this issue again at a future meeting.

6. Committee Business

Future meetings were scheduled for Tuesday, October 3, 2006, and Wednesday, October 25, 2006.

Mr. Hansen reported that in the September meeting of the Business and Labor Interim Committee, committee members passed a motion to recommend 2007 General Session draft legislation, "Impact of Administrative Rules on Small Businesses" as a committee bill.

Mr. Hunsaker distributed an updated "Administrative Rules Review Committee Study Assignments."

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7. Adjourn

Chair Stephenson adjourned the meeting at 11:53 a.m.